

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #1833A
Ashley Heights Community Unit Plan

DATE: January 22, 2002

PROPOSAL: To amend the Ashley Heights Community Unit Plan to add two dwelling units, revise the grading plan, relocate the park and reconfigure a portion of the lots.

LAND AREA: 75.25 acres, more or less.

CONCLUSION: The mini-park is proposed to be moved to a location with unsatisfactory slopes for playgrounds and playfields. The applicant needs to meet with the Parks and Recreation Department in order to resolve the grading for the park or propose a suitable location.

<u>RECOMMENDATION:</u>	Deferral until the applicant can resolve the grading and drainage issues.
-------------------------------	--

GENERAL INFORMATION:

LEGAL DESCRIPTION: Outlots "A", "B" and "D", Lots 1-22, Block 1, Lots 1-10, Block 2, Lots 1-21, Block 3, Lots 1-14, Block 4, Lot 1, Block 5, Lots 1 and 2, Block 6, Lots 1 and 2, Block 7, Lots 1-10, Block 8 and Lots 1-27, Block 9, Ashley Heights Addition, all located in the northeast quarter of Section 18, T10N R6E of the 6th principal meridian, City of Lincoln, Lancaster County Nebraska.

LOCATION: Generally located at N.W. 48th Street and West Huntington Avenue.

APPLICANT: Phil Stettinger
M & S Construction
P.O. Box 80467
Lincoln, NE 68501
(402)477-3515

OWNER: Same

CONTACT: Stephen Clymer
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508

EXISTING ZONING: R-3, Residential.

EXISTING LAND USE: Undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Undeveloped	B-2, Planned Business District,
	Undeveloped	H-4, Highway Commercial District
	Sunhusker Foods	I-2, Industrial Park District
	Undeveloped	I-1, Industrial
South:	Agricultural	AG, Agricultural
East:	Agricultural	AG
West:	Residential	R-3, Residential

HISTORY: On, **April 16, 2001**, City Council approved Comprehensive Plan Amendment #94-52 which showed this area as commercial and residential.

On **April 16, 2001**, City Council approved Annexation #00001, Change of Zone #3248, Special Permit #1833 and Preliminary Plat #00005. This changed the zone from I-2, Industrial to H-4, General Commercial, B-2, Planned Neighborhood Business District, and R-3, Residential for 295 dwelling units.

On **October 8, 1984**, City Council approved Change of Zone #2123, which changed the zoning of 0.34 acres of land on the southeast corner of NW 48th and W. Adams St. from AG Agricultural to I-2 Industrial Park.

On **July 2, 1984**, City Council approved Change of Zone #2106, which changed the zoning on 151 acres at the southeast corner of NW 48th and W. Adams from AG Agricultural to I-2 Industrial Park. This request by the Chamber of Commerce was associated with Comprehensive Plan Amendment #27.

The property was converted from A-A Rural and Public Use to AG Agricultural in the **1979** zoning update.

On **December 27, 1977**, City Council denied Change of Zone #1582, which would have changed the zoning of one lot adjoining commercially zoned property at West Cleveland Ave. and NW 48th Street from A-A Rural and Public Use to G Local Business.

On **June 30, 1975**, City Council approved Change of Zone #1429, which changed the zoning of several lots between W. Cleveland and W. Madison Ave. from A-A Rural and Public Use to G Local Business.

On **September 5, 1972**, City Council denied Change of Zone #1224, which would have changed the zoning on the west side of NW 48th south of W. Adams from A-A Rural and Public Use to A-2 Single Family.

On **September 5, 1972**, City Council denied Special Permit #613, which would have allowed the construction of a mobile home court on the west side of NW 48th south of W. Adams. This application was associated with Change of Zone #1224.

On **June 25, 1962**, City Council approved Change of Zone #395, which changed the zoning on the southwest corner of NW 48th and W. Adams from A-A Rural and Public Use to G Local Business.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan shows this area as Industrial. However, Comprehensive Plan Amendment #94-52 amended the plan to indicate the area to change from industrial to a combination of commercial and residential.

TRAFFIC ANALYSIS: Two additional dwelling units will not impact traffic in the area.

ANALYSIS:

1. This is an application to amend the existing special permit for Ashley Heights Community Unit Plan to add two dwelling units, move the park to Outlot A, revise the grading plan for the Outlot A, and revise a portion of the lots in Block 8 as shown on the site plan.
2. The proposed grading in Outlot A is unsatisfactory for a park. The Parks and Recreation Department noted that the proposed grade for Outlot A shows a slope greater than 1-2%, which is unsuitable for playgrounds and playfields. This issue must be resolved with the Parks and Recreation Department before this application can continue. Either the grading is revised or the park is relocated to the satisfaction of the Parks and Recreation Department.
3. Additionally, the applicant indicates a pedestrian easement to connect the park to West Leighton Avenue, which provides added access. However, based on the proposed grading plan, the slope of Outlot A at the point of access from the pedestrian easement is approximately 27% uphill. The applicant needs to address how users of the pedestrian easement can navigate the proposed slope and revise the grading plan to provide a suitable slope for pedestrians who are accessing the park.

4. The additional dwelling units are within the allowable density for the development based on the density calculation.
5. The Public Works & Utilities Department indicated that the side slopes of the drainage ditches in Outlots B and C comprises much of the proposed sewer easement making it difficult to maintain the sewer. The Public Works & Utilities Department require revisions either to the ditch grading or easement to their satisfaction.
6. The Parks and Recreation Department indicated that a 15' trail easement with graded platform needs to be provided in Outlot C.

CONDITIONS:

However, should the City approve the plan, the following are suggested conditions:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

- 1.1.1 Sanitary sewer easements in Outlots B and C to either indicate a 30' wide sanitary sewer easement or revise the ditch grading to the satisfaction of the Public Works & Utilities Department.
- 1.1.2 A note indicating that during the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with the Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2, Section 32.
- 1.1.3 A note indicating that the developer and/or neighborhood association is responsible for the maintenance of all areas designated as outlots, excluding the proposed trail in Outlot C.
- 1.1.4 "Ramsey Road" as "West Ramsey Road" and "Billy Court" as "West Billy Court".

- 1.1.5 The north boundary of the special permit to follow the centerline of West Huntington Avenue as indicated in the previous special permit and revise the legal description accordingly.
 - 1.1.6 The development to the south as “proposed” on all sheets.
 - 1.1.7 Remove the Planning Commission Approval Certificate.
 - 1.1.8 Sign the Surveyor’s Certificate.
 - 1.1.9 The amendment symbol on #12 of the General Site Notes and remove the amendment symbol from note #11.
 - 1.1.10 Note #12 of the General Site Notes as “80 Single Family Attached units”.
 - 1.1.11 General Site Notes #20 and #24 from the original special permit.
 - 1.1.12 How users of the proposed pedestrian easement, connecting West Leighton Avenue and the mini-park in Outlot A, will navigate the proposed slope and revise to the satisfaction of the Parks and Recreation and Planning Departments.
 - 1.1.13 Revised grading for the Outlot A to the satisfaction of the Parks and Recreation Department or find a suitable location for outdoor public recreation on the east side of N.W. 48th Street.
 - 1.1.14 A 15' wide trail easement with a graded platform through Outlot C for the proposed Trail to the satisfaction of the Parks and Recreation Department.
 - 1.2 Resubmit all previous sheets of the special permit revised accordingly.
 - 2. This approval permits 297 dwelling units.
- General:
- 3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies and the plans are acceptable.

3.2 The construction plans shall comply with the approved plans.

3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

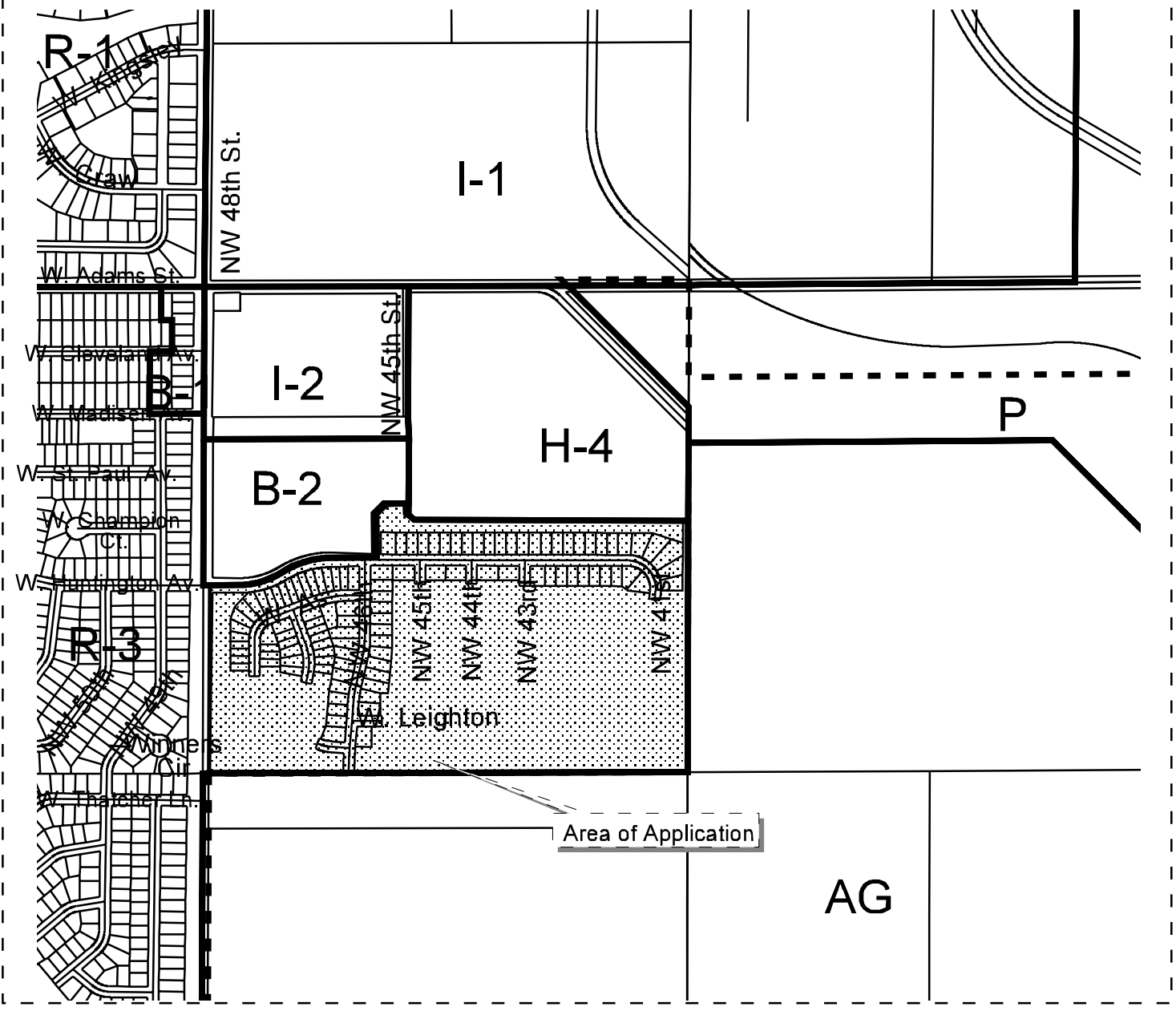
Prepared by:

Becky Horner
Planner



Special Permit #1833A
Ashley Heights
NW 48th & W. Adams

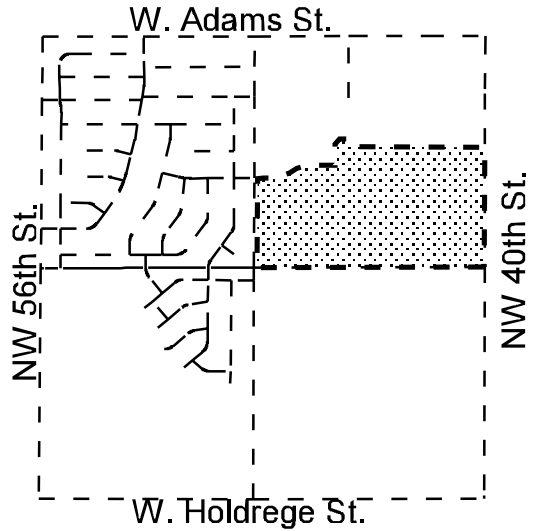
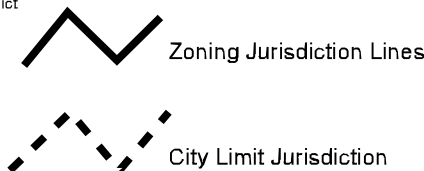




Special Permit #1833A
Ashley Heights
NW 48th & W. Adams

- Zoning:**
- R-1 to R-8 Residential District
 - AG Agricultural District
 - AGR Agricultural Residential District
 - R-C Residential Conservation District
 - O-1 Office District
 - O-2 Suburban Office District
 - O-3 Office Park District
 - R-T Residential Transition District
 - B-1 Local Business District
 - B-2 Planned Neighborhood Business District
 - B-3 Commercial District
 - B-4 Lincoln Center Business District
 - B-5 Planned Regional Business District
 - H-1 Interstate Commercial District
 - H-2 Highway Business District
 - H-3 Highway Commercial District
 - H-4 General Commercial District
 - I-1 Industrial District
 - I-2 Industrial Park District
 - I-3 Employment Center District
 - P Public Use District

One Square Mile
 Sec. 18 T10N R6E





OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

4 January, 2001

Ms. Kathleen A. Sellman
Planning Department
County-City Building
555 South 10th Street
Lincoln, NE 68508

Re: Ashley Heights C.U.P., Amendment
OA Project No. 2001-0397.02

Dear Kathleen:

Enclosed find the following documents for the above mentioned project:

1. 21 Copies of the Site Plan, Sheet 1.
2. 9 Copies of the Drainage and Grading Plan, Sheet 2.
3. 5 Copies of the Preliminary Street Profiles, Sheet 3 & 4.
4. 6 Copies of the Landscape Plan, Sheet 5.
5. "Community Unit Plan, Special Permit" Application.
6. "Community Unit Plan" Application Base Fee (\$195.00).
7. "Community Unit Plan" Application per Lot Fee (\$2,000.00).
8. Ownership Certificate.

Ashley Heights C.U.P. is located in the NE ¼ of Section 18, T10N, R6E of the 6th P.M., Lancaster County, Nebraska.

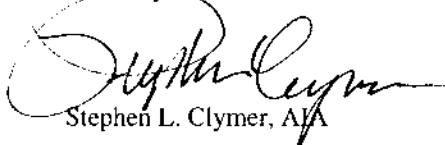
We are requesting a Amendment to the existing C.U.P. to:

- a. Create two additional Single Family Lots (1 & 2) in Block 6. The remaining fourteen lots, (3-16) are realigned with minor dimensional changes. Total C.U.P. lot count increases from 215 to 217 "Single Family" lots.
- b. Relocate the "Mini-Park" from the previous C.U.P. Lot 14, Block 6, to "Outlot A", Block 6.
- c. Realign Lots 1-11, Block 8 with dimensional changes. This will correspond with lots created by Ashley Heights 1st Addition.

No new waivers are being requested.

Please contact me if you have any questions or require additional information.

Sincerely,

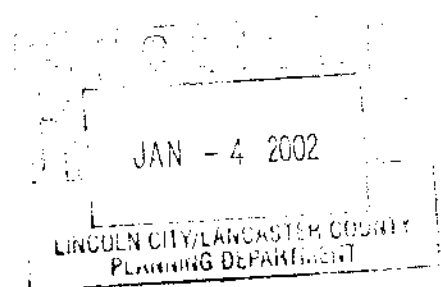


Stephen L. Clymer, AIA

Encls.

cc Phil Stettinger
Joseph F. Bachmann

F:\Projects\20010397\doc\LSellmanCUP 102.wpd



M e m o r a n d u m

Post-it® Fax Note 7671		Date	# of pages 2
To Becky	From Dennis B		
Co./Dept. Planning	Co.		
Phone #	Phone #		
Fax #	Fax #		

To: Becky Horner, Planning
From: Dennis Bartels, Engineering Services
Subject: Ashley Heights 1st Addition
Date: January 16, 2002
cc: Roger Figard
Nicole Fleck-Tooze

Public Works has reviewed the revised Ashley Heights 1st Addition Special Permit 1833A and the Ashley Heights 1st Addition Preliminary Plat located east of Northwest 48th Street south of Adams and has the following comments:

1. The proposed changes to the special permit and Community Unit Plan are satisfactory subject to the following comments concerning the plat.
2. Water - The proposed water system is satisfactory to serve Ashley Heights 1st Addition.
3. Sanitary Sewer - The plat letter states the sewer depth exceeds designs standards and a waiver is requested. To evaluate the waiver, the location and depth where the waiver is requested needs to be identified.

The present design standards require a 30' sewer easement. 20' is shown in Outlots B and C and in Block 1, Ashley Heights. The side slopes of the drainage ditch comprise much of the proposed sewer easement making it difficult to maintain the sewer. Revisions to the ditch grading or easement should be made.

4. Drainage and Grading - A portion of Lot 7, Block 1 is within the side slopes of the ditch. Because of the confined space, the change in alignment of the ditch at this location, it appears that a better design for the sewer and ditch alignment can be designed by eliminating or reconfiguring Lot 7.

Grading is shown outside this plat on property south of this plat. Proof that this grading can be accomplished should be a requirement of this plat. The revised detention is satisfactory to meet design standards.

Becky Horner, Planning

Page 2

January 16, 2002

5. Street System - Northwest 48th Street does not have curb and gutter as per subdivision requirements.

Street grades have not been projected south into the undeveloped property as per design standards.

The proposed plat creates West Thatcher as a half mile long dead-end street. This undesirable. The long straight street promotes higher speeds and higher traffic volumes as development occurs to the south.

There is no proposed street to the east from this plat or the original Ashley Heights to the north. Consideration needs to be given to extending West Thatcher to the east rather than terminating it in a cul-de-sac.

6. General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system and public storm sewer system has been reviewed to determine if the sizing and general method of providing service is satisfactory. Design consideration including, but not limited to, location of water main bends around curved and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant locations, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connecting storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.



INTER-DEPARTMENT COMMUNICATION

DATE January 15, 2002

TO Becky Horner, City Planning

FROM Sharon Theobald
(Ext. 7640)

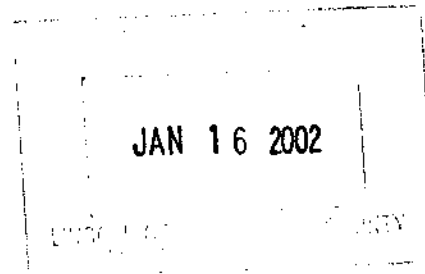
SUBJECT DEDICATED EASEMENTS
DN #26N-44W

Attached is the Site Plan for Ashley Heights (Amendment to CUP & Special Permit).

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

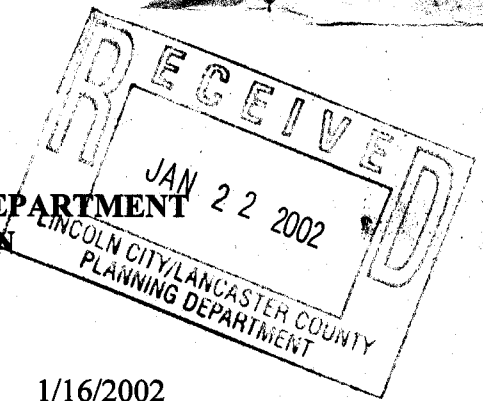
ALLTEL, Time Warner Cable, and the Lincoln Electric System will not require any additional easements.

Sharon Theobald



ST/ss
Attachment
c: Terry Wiebke
Easement File

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**



TO: Becky Horner

DATE: 1/16/2002

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: Ashley Heights
SP #1833A

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the amended site plan for the proposed Ashley Heights subdivision. Comments were originally submitted to your department on 1/10/2001 concerning this proposed subdivision. Of the concerns noted in the previous correspondence, the LLCHD still has concerns regarding the following:

- The Lincoln-Lancaster County Health Department (LLCHD) has concerns regarding odorous emissions from the Sunhusker food processing plant located north of the proposed commercial/residential area having the potential for creating odor nuisances in this area. The prevailing wind direction in this area during the Fall and Winter months is north and northwest which will place the proposed developments immediately downwind of the Sunhusker plant. The additional buffer zone which has been provided will likely not be sufficient to provide a noticeable reduction in odors.
- With regard to noise associated with the Lincoln Municipal Airport, there is potential for nuisance noise associated with aircraft operations. According the general site notes, an aviation and noise easement has been granted to the Airport Authority on this property. The future residents of this proposed subdivision should be made aware of this easement because the LLCHD does anticipate the possibility for noise complaints.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of vegetable ground cover will also be incorporated as necessary.

- Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.
- Finally, LLCHD encourages access to mass transit to help minimize air pollution.

IMPORTANT

all revisions to plans must show Building Permit/ and Job Address

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF02001**

Address

Job Description: **SP 1833A ASHLEY HEIGHTS**

Location: **Ashley Heights**

Special Permit: **Y 1833A**

Preliminary Plat: **N**

Use Permit: **N**

CUP/PUD: **N**

Requested By: **BECKY**

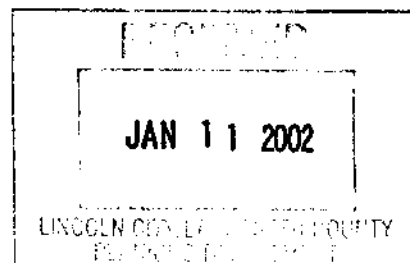
Status of Review: **Approved**

Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE** **BOB FIEDLER**

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards



Memo



To: Becky Horner, Planning Department
From: Mark Canney, Parks & Recreation *MCC*
Date: January 23, 2002 (Revision I)
Re: Ashley Heights SP1833A

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. Provide 15' wide trail easement with a graded platform through Outlot "C" for trail.
2. Outlot "A" not suitable for development of park area due to grade change. Grade should not exceed 1% – 2% for playground and playfields.
3. Developer needs to find suitable location for outdoor public recreation on east side of NW. 48th.
4. Developer and/or Neighborhood Homeowner's Association responsible for maintenance and upkeep of all areas designated Outlots (please note this does not include area designated for 15' trail easement).

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



MICHAEL WOOLMAN
<lpd737@CJIS.CI.LIN
COLN.NE.US>

To: R Horner <RHorner@ci.lincoln.ne.us>
cc:
Subject:

01/09/2002 09:48
AM

Becky,

The Lincoln Police Department has no objections to the Ashley Heights SP 1833A.

Michael S. Woolman
Planning Sergeant
Lincoln Police Department



Rodger P Harris

01/11/2002 08:57
AM

To: Rebecca D Horner/Notes@Notes
cc: Chuck A Zimmerman/Notes@Notes
Subject: Ashley Heights CUP, SP 1833A

We have reviewed this revised CUP plan and have no comments to offer.

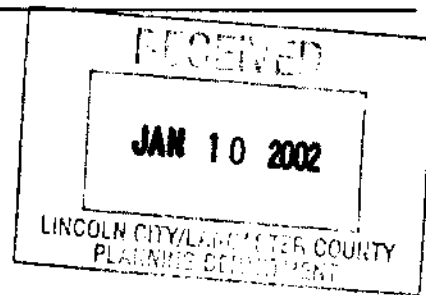
SUPERVISOR, CUSTOMER SERVICE SUPPORT



UNITED STATES
POSTAL SERVICE

January 9, 2002

Becky
City-County Planning Department
555 So 10 St
Lincoln NE 68508-3992



SUBJECT: Ashley Heights CUP 1833A

Becky,

I have reviewed the above-mentioned request.

I find no concerns on behalf of the United States Postal Service and would agree with this proposal as submitted.

Please feel free to call me with any questions.

Thank you,

David L. Wampler
Acting Supervisor, Customer Service Support



Dennis L Roth

01/18/2002 02:47
AM

To: Rebecca D Horner/Notes@Notes

cc:

Subject: re: Ashley Heights Add

PROJ NAME: Ashley Heights Add
PROJ NMBR: SP1833A
PROJ DATE: 01/07/02
PLANNER: Becky

Finding NO duplicate/similar names in our geobase for the street name proposed in this project, other than those which are an extension of an existing street.

We would however, recommend Ramsey Rd and Billy Ct be prefixed with "West" in keeping with City policy for streets west of N 1st. St.

Dennis "denny" Roth, ESD II/CAD Admin
Emergency Communications 9-1-1 Center

Streets: W Ashley Av, W Ashley Cir, Billy Ct, W Huntington Av, W Leighton Av, Ramsey Rd,
W Thatcher Av, NW 41st St, NW 43rd St, NW 45th St, NW 46th St and NW 47th St